



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

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Office: (317) 232-2701
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IN THE MATTER OF THE VERIFIED)
PETITION OF METRO TELECONNECT)
COMPANIES, INC. FOR A CERTIFICATE)
OF TERRITORIAL AUTHORITY TO)
PROVIDE FACILITIES-BASED LOCAL)
EXCHANGE TELECOMMUNICATIONS)
SERVICES THROUGHOUT THE STATE)
OF INDIANA, AND FOR AN ORDER BY)
THE INDIANA UTILITY REGULATORY)
COMMISSION DECLINING TO EXERCISE)
ITS JURISDICTION, IN WHOLE OR IN PART,)
TO THE FULLEST EXTENT ALLOWED BY)
THE LAW, PURSUANT TO IND. CODE 8-1-2.6)

CAUSE NO. 42485

FILED

SEP 28 2005

INDIANA UTILITY
REGULATORY COMMISSION

BY THE COMMISSION:

Lorraine Hitz-Bradley, Administrative Law Judge

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On July 24, 2003, Metro Teleconnect Companies, Inc. ("Petitioner") filed its Petition with the Indiana Utility Regulatory Commission for authority to provide facilities-based local exchange services to the public throughout the State of Indiana, and for an order by the Commission declining to exercise its jurisdiction, in whole or in part, to the fullest extent allowed by law, pursuant to I.C. 8-1-2.6.

On October 8, 2003, the Commission initiated a separate proceeding under Cause No. 42521 to investigate, pursuant to I.C. §8-1-2-58, the business practices of Annox, Inc. ("Annox") and Metro. See, *Commission's October 8, 2003 Order issued in Cause No. 42521*. The Commission's investigation in Cause No. 42521 focused upon Annox's sale of its Indiana customer base to Metro and addressed the general question of whether such transaction was carried out in compliance with applicable orders and rules of this Commission, and the laws and regulations of the State of Indiana. See, *Commission's November 12, 2003 docket entry issued in Cause No. 42521*.

On the same date, the Commission issued a docket entry in this Cause continuing the October 28, 2003 evidentiary hearing date to January 5, 2004. The Commission cited its recently initiated investigation in Cause No. 42521 and stated that “[t]here are outstanding issues which must be fully explored concerning the business of [Metro] and its transactions with Annox, Inc.” *See, Commission’s October 8, 2003 docket entry issued in Cause No. 42485.* On November 12, 2003, the Commission issued a docket entry in this Cause vacating the January 5, 2004 evidentiary hearing date and continuing the procedural schedule indefinitely in this Cause. In vacating the procedural schedule for this Cause, the Commission specifically noted that the matters being investigated in Cause No. 42521 “must be resolved before the Commission will address the granting of a certificate of territorial authority.” *See, Commission’s November 12, 2003 docket entry issued in Cause No. 42485.*

On May 19, 2004, the Commission issued a docket entry wherein it took, pursuant to 170 I.A.C. 1-1.1-21(j), “judicial notice of the evidence entered into record in Cause No. 42521.” Pursuant to proper notice of hearing, published as required by law, proof of which was incorporated into the record by reference, an evidentiary hearing was held in this Cause on May 24, 2004, at which Metro and the OUCC appeared by counsel. Proof of publication of notice of the evidentiary hearing has been incorporated into the record and placed in the official files of the Commission. No members of the general public appeared or sought to testify at the evidentiary hearing.

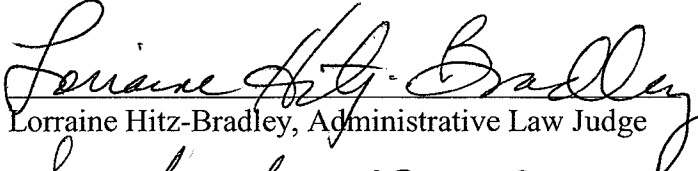
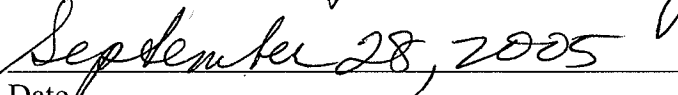
Subsequently, on September 8, 2004, the Commission issued a final order in Cause No. 42521, deferring action in this cause as a result of on-going investigation into Metro’s business practices. *See, Cause No. 42708, In the Matter of the Indiana Utility Regulatory Commission’s Investigation of Matters Related to the Business Practices of Metro Teleconnect and Suretel, Inc.,* September 8, 2004.

Metro Teleconnect subsequently informed the Commission that it had filed for bankruptcy.

The Presiding Officer, being duly advised in the premises, hereby holds as follows:

The parties shall file a statement on or before October 14, 2005, stating their position as to whether or not this matter should be dismissed without prejudice pursuant to 170 I.A.C. 1-1.1-24.

IT IS SO ORDERED.


Lorraine Hitz-Bradley, Administrative Law Judge

Date